

ORIGINAL

FILED

December 10 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

JAMES D. MOORE
ATTORNEY AT LAW
30 5th Street East, Suite 201
Post Office Box 116
Kalispell, Montana 59903
Telephone (406) 755-8332
Facsimile (406) 755-8339
Email: moorelaw@centurytel.net

Attorney for Defendant and Appellant,
JAMES R. MOSTI

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 09-0505

CACV OF COLORADO, LLC,
Plaintiff and Appellee,

vs.

JAMES R. MOSTI,
Defendant and Appellant.


**UNOPPOSED MOTION
FOR EXTENSION OF TIME**

COMES NOW the Defendant and Appellant, JAMES R. MOSTI, by and through his attorney of record, and respectfully moves the above-entitled Court for an Order extending the deadline within which to file his Opening Brief for a period of sixty (60) days. Defendant and Appellant's, Opening Brief was originally due on Friday, December 11, 2009.

This Motion is made for and on the grounds that the parties to this action are also parties to a class action, to wit: *Cole, et al. v. Portfolio Recovery Associates, LLC, et al.*, U.S District Court Cause No. DV-08-036-GF (Great Falls Division), wherein a settlement agreement has been filed and is in the process of receiving necessary court approval. If the settlement is approved, it will resolve the issues of this action.

Counsel for Defendants and Appellees to this appeal have been contacted and do not have an objection to the granting of this Motion.

1 DATED: December 9, 2009.

2
3 
4 James D. Moore
5 Attorney for Appellant

6 **CERTIFICATE OF SERVICE**

7 I hereby certify that I have filed a true and accurate copy of the foregoing
8 AMENDED NOTICE OF APPEAL with the Clerk of the Montana Supreme Court;
9 and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL
10 upon the Clerk of the District Court, each attorney of record, and each party not
11 represented by an attorney in the above-referenced district Court action, as follows:

12 Steven M. Johnson
13 CHURCH, HARRIS, JOHNSON & [☒] U.S. Mail (first class postage)
14 WILLIAMS, P.C. [] Hand Delivery
15 21 Third Street North, 3rd Floor [] Other
16 P.O. Box 1645
17 Great Falls, MT 59403-1645
18 Attorney for Plaintiff/Appellee

19 I declare under penalty of perjury that the foregoing is true and correct.
20 Executed on December 9, 2009.

21 
22 Teri Ann Lawler
23 Paralegal